UNITED STATES PATENT AND TRADEMARK OFFICE

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10/578,639	05/09/2006	Srinivas Gutta	US030401	1755

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER
CHOKSHI, PINKAL R

ART UNIT	PAPER NUMBER
2425	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/578,639	GUTTA ET AL.
Office Action Summary	Examiner	Art Unit	
	PINKAL CHOKSHI	2425	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 July 2009</u>.

2a)☒ This action is **FINAL**.　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-8 and 10-20</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-8 and 10-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some *　c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 7/27/2009 with respect to claim 1 have been

considered but are moot in view of the new ground(s) of rejection. See the new

rejection below.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claims 1-8, 12-14, and 18-20** are rejected under 35 U.S.C. 103(a) as being

unpatentable over US Patent 7,146,627 to Ismail (hereafter referenced as Ismail) in

view of US Patent to Mao (hereafter referenced as Mao) and US Patent 7,212,730 to

Boston (hereafter referenced as Boston).

        Regarding **claim 1,** "a method for obtaining information to augment

commercials in a data stream" reads on the STB that delivers targeted ads to the

user (abstract) disclosed by Ismail and represented in Fig. 1.

        As to "said method comprising the steps of: receiving, via a receiver, a

data stream having commercials therein" Ismail discloses (col.41, lines 1-3;

col.43, lines 42-44) that the receiver receives a stream that includes

advertisements as represented in Fig. 44 (element 850).

As to "obtaining, at a user site, preference information from at least one user via a user interface" Ismail discloses (col.3, lines 50-59) that the user's preference is determined based on viewing history of the user.

As to "using a commercial extractor, to detect the commercials in said data stream and to extract, at said user site, descriptive information from the detected commercials in the data stream" Ismail discloses (col.41, lines 1-9) that the preference agent in the receiver detects the meta-data contained in each advertisement content streaming within the broadcast signal.

As to "determining, using a processor at said user site for each of the detected commercials, whether the extracted descriptive information corresponds with the preference information" Ismail discloses (col.22, lines 1-9) that the program selection device displays advertisements when a user's profile matches the profile of the advertisements.

Ismail meets all the limitations of the claim except "responsive to the determining step, locating information, using a processor agent and a computer network interface, from an external source via a computer network regarding at least one of the commercials whose extracted descriptive information corresponds with the preference information." However, Mao discloses (col.4, lines 40-48; col.5, lines 6-10) that based on the commercial received in STB, STB displays a web link, which provides more information about the product, related to the commercial, where STB receives this information using Internet. Therefore, it would have been obvious to one of the ordinary skills in the art at

the time of the invention to modify Ismail's system by providing more information

related to the commercial using computer network as taught by Mao so user can

get more information related to the product in a quick response time (col.2, line

62).

Combination of Ismail and Mao meets all the limitations of the claim

except "user's preference information is submitted via a user interface and

descriptive information describing the detected commercials." However, Boston

discloses (col.7, lines 16-24) that the user using input device provides user's

preference as represented in Figs. 3 and 4. Boston further discloses (col.6, lines

64-67) that the commercials transmitted from the broadcaster include commercial

meta-data that provides information about the commercial. Therefore, it would

have been obvious to one of the ordinary skills in the art at the time of the

invention to modify Ismail and Mao's systems to manually provide user's

preference information and to include a meta-data describing detected

commercials as taught by Boston in order to view user's favorite programs or

commercials using user's preference and commercial meta-data (col.1, lines 49-

51).

Regarding **claim 2,** "the method wherein: the external source comprises at

least one server" Mao discloses (col.6, lines 48-51) that the web page addresses

related to commercials are communicated to STB using network server via

Internet as represented in Fig. 1 (element 47). In addition, same motivation is used as to reject claim 1.

Regarding **claim 3,** "the method wherein: the data stream comprises at least one video program" Ismail discloses (col.6, lines 35-37) that the signals transmitted to receiver contains audio/video information.

Regarding **claim 4,** "the method wherein: the data stream comprises at least one audio program" Ismail discloses (col.6, lines 35-37) that the signals transmitted to receiver contains audio/video information.

Regarding **claim 5,** "the method further comprises the step of: displaying the located information to the at least one user on a display device" Mao discloses (col.4, lines 40-47) that the web page information related to the commercial is displayed on the monitor. In addition, same motivation is used as to reject claim 1.

Regarding **claim 6,** "the method further comprises the step of: displaying a link to the located information to the at least one user on a display device" Mao discloses (col.4, lines 40-44) that the web site link, related to commercial, is displayed on the monitor. In addition, same motivation is used as to reject claim 1.

Regarding **claim 7,** "the method further comprises the step of: storing the located information on a storage device for subsequent retrieval by the at least one user" Mao discloses (col.4, lines 40-47) that the device stores web page information. In addition, same motivation is used as to reject claim 1.

Regarding **claim 8,** "the method wherein: the located information comprises information regarding a product or service advertised in the at least one of the commercials whose extracted descriptive information corresponds with the preference information" Mao discloses (col.4, lines 40-47) that the Toyota web page displays information about the Toyota commercial. In addition, same motivation is used as to reject claim 1.

Regarding **claim 12,** "the method wherein: the obtaining preference information step comprises obtaining information identifying at least one music track" Ismail discloses (col.20, lines 46-49) that the viewer's preference information includes musical preference.

Regarding **claim 13,** "the method wherein: the obtaining preference information step comprises obtaining information identifying at least one performer" Ismail discloses (col.6, lines 28-31) that the user specifies program by actor.

Regarding **claim 14,** "the method wherein: the obtaining preference information step comprises the steps of: identifying at least one sample commercial by the at least one user via the user interface and extracting descriptive information from the at least one sample commercial" Ismail discloses (col.3, lines 15-20) the method to analyze sample viewing habits of the user. However, the examiner takes official notice that it was well known in the art at the time of the invention to retrieve data based on query-by example. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to use sample of commercial in user preference to Ismail's system in order to provide correct advertisements related to target audiences based on their sample ads.

Regarding **claim 18,** "an apparatus for obtaining information to augment commercials in a data stream" reads on the STB that delivers targeted ads to the user (abstract) disclosed by Ismail and represented in Fig. 1.

As to "said apparatus comprising: means for receiving a data stream containing commercials" Ismail discloses (col.41, lines 1-3; col.43, lines 42-44) that the receiver receives a stream that includes advertisements as represented in Fig. 44 (element 850).

As to "means for obtaining preference information from at least one user" Ismail discloses (col.3, lines 50-59) that the user's preference is determined based on viewing history of the user.

As to "means for detecting said commercials in the data steam, and for extracting descriptive information from the detected commercials in the data stream" Ismail discloses (col.41, lines 1-9) that the preference agent in the receiver detects the meta-data contained in each advertisement content streaming within the broadcast signal.

As to "means for determining, for each of the detected commercials, whether the extracted descriptive information corresponds with the preference information." Ismail discloses (col.22, lines 1-9) that the program selection device displays advertisements when a user's profile matches the profile of the advertisements.

Ismail meets all the limitations of the claim except "means, responsive to the determining step, for locating information from an external source via a computer network regarding at least one of the commercials whose extracted descriptive information corresponds with the preference information." However, Mao discloses (col.4, lines 40-48; col.5, lines 6-10) that based on the commercial received in STB, STB displays a web link, which provides more information about the product, related to the commercial, where STB receives this information using Internet. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Ismail's system by providing

more information related to the commercial using computer network as taught by

Mao so user can get more information related to the product in a quick response

time (col.2, line 62).

Combination of Ismail and Mao meets all the limitations of the claim

except "user's preference information is received from user and said descriptive

information describing the detected commercials." However, Boston discloses

(col.7, lines 16-24) that the user using input device provides user's preference as

represented in Figs. 3 and 4. Boston further discloses (col.6, lines 64-67) that

the commercials transmitted from the broadcaster include commercial meta-data

that provides information about the commercial. Therefore, it would have been

obvious to one of the ordinary skills in the art at the time of the invention to

modify Ismail and Mao's systems to manually provide user's preference

information and to include a meta-data describing detected commercials as

taught by Boston in order to view user's favorite programs or commercials using

user's preference and commercial meta-data (col.1, lines 49-51).

Regarding **claim 19,** "the apparatus wherein: the external source

comprises at least one server" Mao discloses (col.6, lines 48-51) that the web

page addresses related to commercials are communicated to STB using network

server via Internet as represented in Fig. 1 (element 47). In addition, same

motivation is used as to reject claim 18.

Regarding **claim 20,** "a method for obtaining information to augment commercials in a data stream" reads on the STB that delivers targeted ads to the user (abstract) disclosed by Ismail and represented in Fig. 1.

As to "the method comprising: receiving a data stream having commercials therein" Ismail discloses (col.41, lines 1-3; col.43, lines 42-44) that the receiver receives a stream that includes advertisements as represented in Fig. 44 (element 850).

As to "obtaining preference information from at least one user via a user interface" Ismail discloses (col.3, lines 50-59) that the user's preference is determined based on viewing history of the user.

As to "detecting the commercials in said data stream and extracting, at said user site, descriptive information from detected commercials in the data stream" Ismail discloses (col.41, lines 1-9) that the preference agent in the receiver detects the meta-data contained in each advertisement content streaming within the broadcast signal.

As to "determining, for each of the detected commercials, whether the extracted descriptive information corresponds with the preference information" Ismail discloses (col.22, lines 1-9) that the program selection device displays advertisements when a user's profile matches the profile of the advertisements.

Ismail meets all the limitations of the claim except "responsive to the determining step, locating information from an external source via a computer network regarding at least one of the commercials whose extracted descriptive

information corresponds with the preference information." However, Mao

discloses (col.4, lines 40-48; col.5, lines 6-10) that based on the commercial

received in STB, STB displays a web link, which provides more information about

the product, related to the commercial, where STB receives this information

using Internet. Therefore, it would have been obvious to one of the ordinary

skills in the art at the time of the invention to modify Ismail's system by providing

more information related to the commercial using computer network as taught by

Mao so user can get more information related to the product in a quick response

time (col.2, line 62).

Combination of Ismail and Mao meets all the limitations of the claim

except "user's preference information is received from user and said descriptive

information describing the detected commercials." However, Boston discloses

(col.7, lines 16-24) that the user using input device provides user's preference as

represented in Figs. 3 and 4. Boston further discloses (col.6, lines 64-67) that

the commercials transmitted from the broadcaster include commercial meta-data

that provides information about the commercial. As to "a computer-readable

medium having stored thereon a computer program of instructions executable by

a computer to perform a method" Boston discloses (col.24, lines 63-67) that the

computer program stored on the computer readable medium where the

processor executes executable code. Therefore, it would have been obvious to

one of the ordinary skills in the art at the time of the invention to modify Ismail

and Mao's systems to include a meta-data describing detected commercials and

to store computer program instruction on the storage medium as taught by

Boston in order to view user's favorite programs or commercials using user's

preference and commercial meta-data and to easily install the computer program

on various devices (col.1, lines 49-51).

4.   **Claims 10 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Ismail in view of Mao and Boston as applied to claim 1 above, and further in view

of US PG Pub 2004/0172650 to Hawkins (hereafter referenced as Hawkins).

Regarding **claim 10**, combination of Ismail, Mao, and Boston meets all the

limitations of the claim except "the method wherein: the obtaining preference

information step comprises obtaining a user input indicating an amount of

information that is desired to be obtained from the external source for the at least

one of the commercials whose extracted descriptive information corresponds

with the preference information." However, Hawkins discloses (¶0048) that while

inputting user's preference by user, ad category describes the advertised product

in detail. Therefore, it would have been obvious to one of the ordinary skills in

the art at the time of the invention to modify Ismail, Mao, and Boston's systems

by providing detail info on advertisements as taught by Hawkins in order to

provide correct advertisements to target audiences so a viewer does not have to

search the advertisement contents throughout television channels.

Regarding **claim 11,** "the method wherein: the obtaining preference
information step comprises obtaining information identifying at least one category
of commercials" Hawkins discloses (¶0048) that the data structures, such as
advertisement category, is used to profile viewer information. Therefore, it would
have been obvious to one of the ordinary skills in the art at the time of the
invention to modify Ismail, Mao, and Boston's systems by categorizing
advertisements as taught by Hawkins in order to provide correct advertisements
to target audiences so a viewer does not have to search the advertisement
contents throughout television channels.

5.   **Claim 15-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over
Ismail in view of Mao, Boston and Hawkins as applied to claims 1 and 10 above and
further in view of US Patent 6,100,941 to Dimitrova et al (hereafter referenced as
Dimitrova).

Regarding **claim 15,** "the method wherein: the obtaining preference
information step comprises obtaining at least one keyword from the at least one
user via the user interface" Hawkins discloses (¶0018) that the key answers are
provided on the form by the user that generates a viewer profile that describes
user's preference. In addition, same motivation is used as to reject claim 10.

Combination of Ismail, Mao, Boston and Hawkins meets all the limitations
of the claim except "the extracting descriptive information step comprises
extracting text from the commercials." However, Dimitrova discloses (col.18,

lines 15-28) that the signature of signal (commercial) is extracted by using text information from the closed captioning information. As to "the extracted descriptive information corresponds with the preference information when the extracted text corresponds with the at least one keyword" Dimitrova discloses (col.18, lines 29-30) that the text information extracted from the signal is compared with the stored information for the commercials. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to match the keyword with advertisement information to generate a targeted advertisement as taught by Dimitrova in order to easily detect a commercial of user's choice category.

Regarding **claim 16,** "the method wherein: the extracting text from the commercials comprises extracting text from closed captioned data of the commercials" Dimitrova discloses (col.2, lines 41-44) that the system produces text by processing data stream through a closed captioning processor. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to produce text from closed caption data as taught by Dimitrova in order to identify a portion of commercial by comparing with closed captioned text data to produce accurate commercial for viewers.

Regarding **claim 17,** "the method wherein: the extracting text from the commercials comprises converting an audio portion of the commercials to text"

Dimitrova discloses (col.18, lines 19-25) that the audio processor converts the

sound into text of a commercial. Therefore, it would have been obvious to one of

the ordinary skills in the art at the time of the invention to produce text from

closed caption data as taught by Dimitrova in order to identify a portion of

commercial by comparing with closed captioned text data to produce accurate

commercial for viewers.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

- US PG Pub 2004/0073919 to Gutta discloses commercial recommender.

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

     Any inquiry concerning this communication or earlier communications from the

examiner should be directed to PINKAL CHOKSHI whose telephone number is (571)

270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt.

Friday off).

     If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

     Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pinkal Chokshi/
Examiner, Art Unit 2425

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425